

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CRIMINAL CASE NO. 1:10cr62

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	<u>O R D E R</u>
)	
PAUL JEREMIAS,)	
)	
Defendant.)	
)	

THIS MATTER is before the Court on the Defendant's Motion to Suppress [Doc. 16]; the Magistrate Judge's Memorandum and Recommendation [Doc. 22] regarding the disposition of that motion; and the Defendant's Response to the Memorandum and Recommendation [Doc. 26].

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, the Honorable Dennis L. Howell, United States Magistrate Judge, was designated to consider the motion to suppress and to submit recommendations for its disposition.

On April 28, 2011, the Magistrate Judge entered a Memorandum and Recommendation containing proposed findings of fact and conclusions of law in support of a recommendation regarding the Defendant's motion. [Doc. 22].

The parties were advised that any objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. The Defendant requested an extension of time in which to file such objections [Doc. 24], which the Court granted [Doc. 25]. Subsequently, however, the Defendant filed a Response indicating that he does not intend to offer any objections to the Magistrate Judge's findings of fact, conclusions of law or recommendations. [See Doc. 26]. The time for filing objections has now expired.

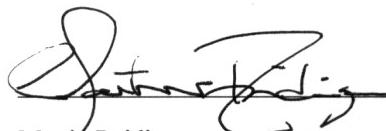
After a careful review of the Magistrate Judge's Recommendation, the Court finds that the proposed findings of fact are correct and that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby **ACCEPTS** the Magistrate Judge's Recommendation that the Defendant's motion to suppress Government's Exhibits 1 and 2 be denied; that the motion to suppress the images contained on the computer hard drive be allowed; that the motion to suppress the statements made by the Defendant on April 15, 2010 be denied; and that the motion to suppress the computer disks delivered by the Defendant to law enforcement on April 15, 2010 be denied.

IT IS, THEREFORE, ORDERED that the Defendant's Motion to Suppress [Doc. 16] is **ALLOWED IN PART** and **DENIED IN PART** as follows:

- (1) The motion to suppress Government's Exhibits 1 and 2 is **DENIED**;
- (2) The motion to suppress the images contained on the computer hard drive is **ALLOWED**;
- (3) The motion to suppress the statements made by the Defendant on April 15, 2010 is **DENIED**; and
- (4) The motion to suppress the computer disks delivered by the Defendant to law enforcement on April 15, 2010 is **DENIED**.

IT IS SO ORDERED.

Signed: June 10, 2011



Martin Reidinger
United States District Judge

